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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,558

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Young-Sun Choi

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT

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2855

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,558	Applicant(s) CHOI ET AL.	
	Examiner Gail Verbitsky	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 2 and 4 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/10/10, 7/07/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1, 3, 5-10 are objected to because of the following informalities:

Claim 1: Perhaps applicant should delete “a detecting” after “detecting” in line 5.

Claims 3, 5-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is not clear how the limitations included in claims 3, 5-10 further limit claim 1 which claims 3, 5-10 are dependent on, since it appears that claims 3, 5-10 claim additional method steps. Perhaps, the numeration of the steps should be different than in claim 1 (continued in the alphabetical order throughout the dependent claims).

For example: since the numerals a-f) have already been used in claim 1, the steps of claim 5 should start with g...).

Claim 3: A) Perhaps applicant should insert a step of –measuring the transmission temperature with the oil temperature sensor—as the very first step of the claim,

B) what is “a vehicle voltage”, step b)?

C) how the transmission oil temperature was determined, what is “a maximum transmission oil temperature”, step c)?

D) “step” in step f1) should be replaced with –step--.

E) what is “a value of subtracting” and how was it determined, step g)?

Art Unit: 2855

Claim 5: A) what is “a value of subtracting” and how was it determined, step f)?

B) what applicant means by the term “for de-“ in step f1)?

C) how the “difference between the maximal measured oil...” in step h) has been determined?

B) What is “a vehicle voltage”, what is “the critical voltage” and how it was determined, step c)?

C) How “a value” and “a critical oil temperature rate” were determined.

D) what is “a jumper monitoring jumper”, step e), and how it was determined?

E) What is the “fault confirming timer”, step g), and how it can be increased?

Perhaps Applicant should replace it with –increasing a time on a jumper fault confirming timer-- **throughout the claims.**

F) Step i) is confusing because it is not clear what applicant means by

“comparing the jumper fault confirming timer with a jumper fault confirming time”.

(Also, remember the second occurrence of the claimed term should go with the article – the—for a proper antecedent basis.

G) what is “a jumper fault”, how it was detected? (See step f) of claim 2 and steps a), g2) of claim 5)

H) what is “increasing a jumper fault confirming timer”, step g) of claim 5, and how it can be increased? Perhaps Applicant should replace it with –increasing a time on a jumper fault confirming timer-- **throughout the claims.**

Claim 6: A) what is “a vehicle voltage” and “a critical vehicle voltage” (step b) and how it has been obtained?

B) How “the transmission oil temperature” has been obtained.

C) How “the transmission oil temperature” has been obtained (step c),

D) How the step of “determining whether a clutch is under control: is done (see step e),

Art Unit: 2855

E) how “a critical time measuring time” has been increased. What it is?

F) The language in step g) is confusing because it is not clear what applicant means. What “the stuck fault” is? “how it is determined that the clutch is “under control”, step e),
What is “a critical time measuring timer” and “increasing a critical time measuring timer”, step f),
How “a value” and “a critical oil temperature rate” have been determined, step g).
How “the critical time measuring timer” is compared with “the critical time for determining the fault”, step i),
What is “the stuck state”, line 4 and steps e2), i1), i3),

Claim 7: A) “a vehicle voltage” and “a critical vehicle voltage” lack antecedent basis.

B) how the difference” as mentioned in steps f), f2), g), g2) has been determined?

Claims 7, 8: Perhaps applicant should insert a step of —measuring the transmission temperature with the oil temperature sensor—as the very first step of the claim.

Claim 9: A) “a vehicle voltage” and “a critical vehicle voltage” in step c) lack antecedent basis.

B) it is not clear how “the time indicating how long...”, and “a critical engine-stopped time” step e) have been determined,

C) how the difference” as mentioned in steps g), g2), h), h2) has been determined?

Claim 10: A) “a vehicle voltage” and “a critical vehicle voltage” in step c) lack antecedent basis.

B) it is not clear how “the time indicating how long...”, and “a critical engine-stopped time” step e) have been determined,

Art Unit: 2855

C) how the difference” as mentioned in steps g), g2), h), h2) has been determined?

For all claims: Please note, only the first occurrence of the claimed element/ term should go with the article –a--, while the second occurrence of the claimed element / term should go with the article –the—for a proper antecedent basis. See, for example “a jumper fault confirming timer” (in step g) of claim 2) vs. “the jumper fault confirming timer” (in step I of claim 2).

Claim 6: A) “the detected signal” in line 4 lacks antecedent basis, in line 4 lacks antecedent basis,

B) “a vehicle voltage” and “a critical vehicle voltage” in step b) lack antecedent basis.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case, the claim language is confusing because it is not clear how the method steps of claims 3, 5-10 further limit and thus, fit in the method of claim 1 since, it appears that in claims 3, 5-10, applicant describes a different method rather than limits the independent claim 1, as required by MPEP.

Claims 3, 5-10: the claim language is confusing because the step numerals/ numeration are the same as being used in claim 1 which claims 3, 5-10 are dependent on (please note, if claim 6 is dependent on claim 1, the numeration of the steps of claim 6 should

Art Unit: 2855

not repeat the numeration of claim 1. For example, if the last numeral used in claim 1 was a letter f), the numeration of the steps in claim 6 should start with the letter g). Otherwise it is not clear how the method of claims 3, 5-10 further limit claim 1. Are the steps of the claims 3, 5-10 continuation of the method steps listed in claim 1, or completely independent new steps?

Allowable Subject Matter

Claims 1, 3, 5-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Election/Restrictions

Claims 2, 4 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/29/10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lisa Caputo can be reached on 571/ 272-2388. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2855

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gail Verbitsky
Primary Patent Examiner, TC 2800

February 11, 2011
/Gail Verbitsky/
Primary Examiner, Art Unit 2855